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OFFICE OF
INSURANCE COMMISSIONER

Technical Advisory - Technical Assistance Advisory T-99

August 25, 1999

Attn: Healthcare Carriers

Subject: Application of [RCW 48.43.115](#)

RCW 48.43.115, otherwise known as the Erin Act, does recognize the role of healthcare providers as the appropriate authority to determine and establish the delivery of quality healthcare services to maternity patients and their newly born children. RCW 48.43.115(3)(a) through (e) allows for such decisions on delivery and quality of healthcare services to be made by the attending provider, in consultation with the mother.

RCW 48.43.115(3)(f) provides that when the mother's coverage plan has maternity benefits, the newborn will receive three weeks of coverage under the plan whether ultimately enrolled in the plan or not.

Some carriers have taken the position that the three weeks of coverage for a newborn were contingent upon enrollment of the child in the plan and the purchase of coverage within sixty days of birth pursuant to RCW 48.44.212(2). While ultimate enrollment of the newborn for future care may be an option available to the mother, the initial three weeks of coverage of the newborn are automatic.